

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., February 1, 2005

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the January 25, 2005 meeting

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AWARDS AND PROCLAMATIONS

- Proclamations
- Distinguished Service Citations.
- ESGR (Employer Support of the Guard and Reserve) Recognition.

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PUBLIC AGENDA

1. William A. Draper, Jr.-Parking Motor Vehicles that are for Sale.

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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated January 31, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

3. Applications for Licenses to Retail Cereal Malt Beverages:

| <u>Renewal</u>                                     | <u>2005</u>   | <u>(Consumption on Premises)</u>                               |
|--|---|--|
| Xin B. Liu<br>Tane Chanthivong                     | Fortune Cookie Restaurant, Inc.<br>Chiang Mai Thai Restaurant*            | 620 South Holland Street<br>3141 South Hillside                |
| <u>Renewal</u>                                     | <u>2005</u>   | <u>(Consumption off Premises)</u>                              |
| Robin E. Forbis<br>Robin E. Forbis<br>Mark Branham | Wal-Mart Supercenter #3492<br>Wal-Mart Supercenter #1099<br>QuikTrip #315 | 11411 East Kellogg<br>501 East Pawnee<br>1500 South Maize Road |
| <u>New Operator</u>                                | <u>2005</u>   | <u>(Consumption on Premises)</u>                               |
| Julie D. Fowler                                    | J & D Group Inc.*   | 505 West Maple   |
| <u>New Operator</u>                                | <u>2005</u>   | <u>(Consumption off Premises)</u>                              |
| Hazmar Fereze                                      | Cottage Industries Inc.<br>Dba Fuel Up                                    | 550 North Webb Road  |

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Preliminary Estimates:

- a) Cost of Façade Improvement Program at 1011-1017 W. Douglas. (472-83896/766009/491-010) (District I) - Total Estimated Cost \$50,000.00
- b) Cost of Façade Improvement Program at 712 W. Douglas. (472-83992/766011/491-012) (District I) - Total Estimated Cost \$16,800.00
- c) Cost of Façade Improvement Program at 810 W. Douglas. (472-83864/766008/491-009) (District I) - Total Estimated Cost \$52,500.00
- d) Harry, I-135 to George Washington Boulevard \ (87N-0229-01/472-83686/448-89553/468-83460/706851/636102/620344/203317/771500/662467) Traffic to be maintained during construction using flagpersons and barricades. (District I,III) - \$1,302,210.95
- e) Lateral 4, Main 10, Four Mile Creek Sewer to serve The Fairmont Third Addition - north of 21st Street North, west of 127th Street East. (468-83935/744099/480787) Does not affect existing traffic (District II) - \$131,000.00
- f) Storm Water Drain #244 to serve Remington Place Third Addition - south of 21st Street North, east of Webb. (468-83928/751390/485281) Does not affect existing traffic. (District II) - \$50,000.00
- g) Storm Water Sewer #610 to serve Southern Ridge Second Addition - south of Pawnee, west of Maize Road. (468-83894/751386/485277) Does not affect existing traffic. (District IV) - \$417,000.00
- h) Lateral 108, Sanitary Sewer #23 to serve Sand Plum Addition - south of 45th Street North, west of Webb. (468-83822/744073/480761) Does not affect existing traffic. (District II) - \$205,000.00

(Item 4 continued)

- i) Water Distribution System to serve Sand Plum Addition - south of 45th Street North, west of Webb. (448-89958/735209/470879) Does not affect existing traffic. (District II) - \$51,000.00
- j) Planeview Park Parking Lot - along East Cessna, east of Holyoke. (472-84140/602559/800402) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$70,000.00

RECOMMENDED ACTION: Approve and file.

5. Petitions for Public Improvements:

- a) Paving and water distribution system improvements to serve Four H Addition, north of Central, west of Tyler. (District V)
- b) Sanitary sewer and water distribution system improvements to serve Tallgrass East Commercial Addition, north of 21<sup>st</sup> Street, east of Webb. (District II)
- c) Install traffic signals on 13<sup>th</sup> Street, approximately 800 feet east of Greenwich. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Agreements/Contracts:

- a) Contract for Domestic Violence Services.
- b) Area lighting at nine city pools. (Districts I, IV, V & VI) – Supplemental
- c) Professional legal services-Worker's Compensation.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

7. Proposed Assessments Rolls.

Proposed Assessment Rolls have been prepared for twenty-one (21) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 14, 2005 at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 1, 2005 and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing.

8. Narcotic Seizure Fund Budget.

RECOMMENDED ACTION: Adopt the budget for the Narcotic Seizure Fund and authorize the necessary signatures for the Federal Certification Report.

9. Swimming Pool Improvements.

RECOMMENDED ACTION: Adopt the bonding resolution and authorize initiation of the project.

10. *Water Transmission Main in First Street from Meridian to McComas. (District VI)*

RECOMMENDED ACTION: *Authorize the expenditure; approve the supplemental engineering agreement for design; approve the pre-purchase expenditures and authorize the necessary signatures.*

11. Acquisition by Eminent Domain of Tracts Required for Hillside Improvement: Kellogg to Central. (District II)

RECOMMENDED ACTION: Adopt the resolution and place the ordinance providing for the acquisition by eminent domain of certain property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition, on first reading.

12. Settlement of Claim for Damages.

RECOMMENDED ACTION: Authorize payment of \$11,795.40 as a full settlement of all possible claims against the City of Wichita arising out of the event which is the subject of the claim.

13. 2005 Fire Apparatus Replacement Program.

RECOMMENDED ACTION: Approve the project and the bonding resolution and authorize the necessary signatures.

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NEW BUSINESS

(9:30 a.m. or soon thereafter)

14. Repair or Removal of Dangerous & Unsafe Structures. (Districts I, III, IV and VI)

On December 14, 2004, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on February 1, 2005.

| <u>Property Address</u>                | <u>Council District</u> |
|--|-------------------------|
| a) 1438 North Estelle                  | I                       |
| b) 1707 North Spruce                   | I                       |
| c) 1638 North Minneapolis              | I                       |
| d) 2048 North Minnesota                | I                       |
| e) 3100 North Park Place (small house) | VI                      |
| f) 747 North Sheridan                  | VI                      |
| g) 219 North Elizabeth (garage)        | IV                      |
| h) 215 North Millwood #10              | IV                      |
| i) 1616 West Maple                     | IV                      |
| j) 1423 West Burton                    | IV                      |
| k) 1815 South Exchange                 | III                     |

RECOMMENDED ACTION: It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be conditioned on the following: (1) All taxes have been paid to date, as of February 1, 2005; (2) the structures have been secured as of February 1, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of February 1, 2005 and will be so maintained during renovation.

15. South Central Kansas Water Coalition.

In January 2004, the Regional Economic Area Partnership (REAP) Executive Committee invited member jurisdictions to participate in discussions to develop and recommend a strategy for joint action among local governments to address regional water issues. At its October 11, 2004 meeting, the REAP membership voted to approve the formation of the South Central Kansas Water Coalition.

RECOMMENDED ACTION: 1) approve the interlocal agreement with REAP for participation in the South Central Kansas Water Coalition; 2) appoint a delegate and an alternate from the City's governing body to the Coalition Board of Delegates; 3) appoint a director and alternate from the City's professional staff to the Coalition Board of Directors and 4) authorize payment of \$2,500 to the Coalition from the budget of the City's Water Utility.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

16. ZON2004-00061-Zone Change from Single-Family Residential to Multi-family Residential. Generally Located on the Northwest Corner of the First Street-McComas Avenue Intersection, One Block East of West Street and One Block North of Douglas Avenue. (District VI)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change, subject to platting within; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council;  
Or  
2. Return the application to the MAPC for reconsideration.

17. \*Fees for New Applications and Proceedings Pertaining to Signs.

RECOMMENDED ACTION: Approve the fees for Planning applications and proceedings pertaining to signs and place the ordinance establishing fees on first reading.

18. \*ZON2004-00060-Zone Change from Multi-Family Residential to Neighborhood Office, Generally Located North of Central, between Terrace and Pershing. (District I)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change subject to the recommended conditions; place the ordinance establishing the zone change on first reading; and instruct the City Clerk to withhold publication of the ordinance until the conditions of approval are met; Or  
2. Return the application to the MAPC for reconsideration.

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### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.  
\*Consent items

19. \*Midfield Road Site Development, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the contract and authorize the necessary signatures.

20. \*Siemens Building Technologies, Inc. (SBT) – S.A. No. 1.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

21. \*Airfield Pavement, Taxiway “N” Construction, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

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### CITY COUNCIL

22. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

23. Approval of Travel Expenses for Council Members to Attend the National League of Cities 2005 Annual City Conference in Washington, DC, March 11-15, 2005.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

\*\*\*Workshop to follow\*\*\*